

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
In Admiralty
CIVIL ACTION NO. 4:13-cv-24-BO

JAMIE S. DANIELS,)
Plaintiff,)
)
v.)
)
THE FISHING VESSEL JOHN & NICHOLAS,)
OFFICIAL NUMBER 1102517, her engines,)
tackle, fishing gear, permits and apparel, etc. in)
rem and JOHN & NICHOLAS, INC., in)
personam,)
Defendants

ORDER

This cause coming on before Terrance W. Boyle, United States District Court Judge, on Motion of the Plaintiff for an Order pursuant to N.C. Gen. Stat. §113-170.3(c) directing Louis B. Daniel, III, Director and/or Donald M. Hesselman, License and Statistics Section Chief, North Carolina Department of Environment and Natural Resources, Division of Marine Fisheries to provide the following information and documents relating to the fishing vessel JOHN & NICHOLAS, official number 1102517, John & Nicholas, Inc. and Warren J. Alexander as it relates to the fishing vessel John & Nicholas, official number 1102517:

1. Commercial Fishing Vessel Registration (license) (N.C. Gen. Stat. § 113-168.6) for the license periods from January 1, 2008 to the present.
2. License to Land or Sell (N.C. Gen. Stat. §113-169.5) for the license periods from January 1, 2008 to the present.
3. Standard Commercial Fishing Licenses issued to or assigned to fishing vessel JOHN & NICHOLAS, official number 1102517, John & Nicholas, Inc. and Warren J. Alexander

as it relates to the fishing vessel JOHN & NICHOLAS, official number 1102517, for the license periods from January 1, 2008 to the present.

4. Trip tickets (paper and/or electronic) for all trips landed in North Carolina for the vessel JOHN & NICHOLAS from January 1, 2008 to the present.

5. Pack out slips, trip tickets, quota transfer requests or other documents evidencing trips landed in Virginia or other states pursuant to the North Carolina License to Land issued to the fishing vessel JOHN & NICHOLAS from January 1, 2008 to the present.

6. Pack out slips, trip tickets, quota transfer requests or other documents evidencing trips landed by the fishing vessel JOHN & NICHOLAS in Virginia or other states under the North Carolina Flounder Quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fisheries Management Council/Atlantic States Marine Fisheries Commission, Fisheries Management Plan for summer flounder from January 1, 2008 to the present.

7. Pack out slips, trip tickets, quota transfer requests or other documents evidencing trips landed by the fishing vessel JOHN & NICHOLAS in Virginia or other states pursuant to the North Carolina Black Sea Bass Quota.

The Court finds in this matter that the Defendant, John & Nicholas, Inc. has filed a Motion to Dismiss for lack of subject matter jurisdiction and in support thereof has filed an Affidavit of Warren J. Alexander which contends that the Defendant corporation's, through its fishing vessel JOHN & NICHOLAS, official number: 1102517, only contact with North Carolina is a few and sporadic port calls over the last few years.

The Court further finds that the information, documents and records sought by the Plaintiff from the North Carolina Division of Marine Fisheries regarding the vessel JOHN & NICHOLAS, and John & Nicholas, Inc. and/or Warren J. Alexander as it relates to the fishing

vessel JOHN & NICHOLAS, official number: 1102517, are relevant to the issue raised by the Defendant in its Motion to Dismiss and in the interest of justice said information, documents and records should be disclosed.

THEREFORE IT IS ORDERED that Louis B. Daniel, III, Director and/or Donald M. Hesselman, License and Statistics Section Chief, North Carolina Department of Environment and Natural Resources, Division of Marine Fisheries provide the following information and documents relating to the fishing vessel JOHN & NICHOLAS, official number 1102517, John & Nicholas, Inc. and Warren J. Alexander as it relates to the fishing vessel John & Nicholas, official number 1102517:

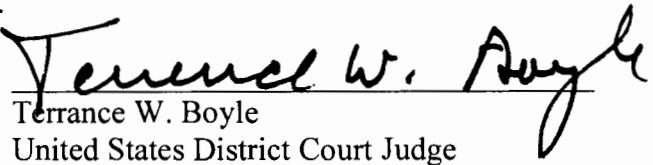
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3. Standard Commercial Fishing Licenses issued to or assigned to fishing vessel JOHN & NICHOLAS, official number 1102517, John & Nicholas, Inc. and Warren J. Alexander as it relates to the fishing vessel JOHN & NICHOLAS, official number 1102517, for the license periods from January 1, 2008 to the present.
4. Trip tickets (paper and/or electronic) for all trips landed in North Carolina for the vessel JOHN & NICHOLAS from January 1, 2008 to the present.
5. Pack out slips, trip tickets, quota transfer requests or other documents evidencing trips landed in Virginia or other states pursuant to the North Carolina License to Land issued to the fishing vessel JOHN & NICHOLAS from January 1, 2008 to the present.

6. Pack out slips, trip tickets, quota transfer requests or other documents evidencing trips landed by the fishing vessel JOHN & NICHOLAS in Virginia or other states under the North Carolina Flounder Quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fisheries Management Council/Atlantic States Marine Fisheries Commission, Fisheries Management Plan for summer flounder from January 1, 2008 to the present.

7. Pack out slips, trip tickets, quota transfer requests or other documents evidencing trips landed by the fishing vessel JOHN & NICHOLAS in Virginia or other states pursuant to the North Carolina Black Sea Bass Quota.

IT IS FURTHER ORDERED that this information be provided to Stevenson L. Weeks, Wheatly, Wheatly, Weeks, Lupton & Massie, P.A., 710 Cedar Street, Beaufort, NC 28516 within ten (10) days after service of this Order.

This the 22nd day of April, 2013.


Terrance W. Boyle
United States District Court Judge